

1634

**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

ATTORNEYS AT LAW

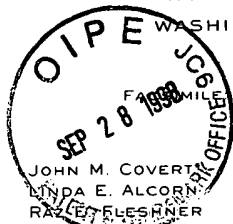
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September 28, 1998

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Utility Patent Application  
Appl. No. 09/069,847; Filed: April 30, 1998  
For: **Fluorometric Assay for Detecting Nucleic Acid  
Cleavage**  
Inventors: Han *et al.*  
Our Ref: 0654.0630002/SLF/KRM

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Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 (20 pages); and
3. One return postcard.

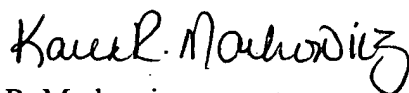
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Assistant Commissioner for Patents  
September 28, 1998  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

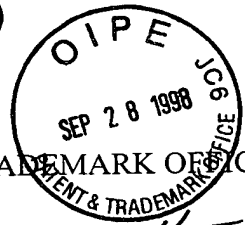
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Karen R. Markowicz  
Agent for Applicants  
Registration No. 36,351

KRM:aye  
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HAN *et al.*  
Appl. No. 09/069,847  
Filed: April 30, 1998  
For: **Fluorometric Assay for  
Detecting Nucleic Acid  
Cleavage**

Art Unit: 1634  
Examiner: To be assigned  
Atty. Docket: 0654.0630002/SLF/KRM

**Information Disclosure Statement**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the documents were cited by or submitted to the Office in Application No. 08/706,135, filed August 30, 1996, now U.S. Patent 5,763,181, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Document AT7 is in a foreign language. No English translation is readily available. Document AT7 appears to show a quantum-mechanical approach to calculate the critical molecular distance for the flux of electron excitation energy between molecules of the same kind, using absorption- and fluorescence spectra and the length of the activation of molecules.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

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Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Karen R. Markowicz*

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Registration No. 36,351

Date: 9/28/98

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